

ESTTA Tracking number: **ESTTA208989**

Filing date: **05/02/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Mr.RobbieCalvo
Granted to Date of previous extension	05/03/2008
Address	4004 Crestridge Drive Nashville, TN 37204 UNITED STATES

Attorney information	Melissa M. Allen Attorney At Law 3200 West End Avenue, Suite 500 Nashville, TN 37203 UNITED STATES nashvillelaw@yahoo.com
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Applicant Information

Application No	77269747	Publication date	03/04/2008
Opposition Filing Date	05/02/2008	Opposition Period Ends	05/03/2008
Applicant	Griggs, Sheilah C. Suite 300 1305 Clinton Street Nashville, TN 37203 UNITED STATES		

Goods/Services Affected by Opposition

Class 041.

All goods and services in the class are opposed, namely: Cable television programming; educational and entertainment services, namely, a continuing program about interior and exterior design, construction, decorating, painting and art accessible by radio, television, satellite, audio, video and computer networks; entertainment in the nature of an on-going special variety, news, music or comedy show featuring English design, decorating and paint finishes broadcast over television, satellite, audio, and video media; entertainment in the nature of on-going television programs in the field of home improvement, construction, decoration, design, painting, faux finishing and art; entertainment in the nature of television programs featuring home improvement, design and decorating; entertainment, namely, production of television shows and series, DVDs, audio CDs, and videotapes featuring home decorating and remodeling, design, art, painting, faux finishes, home or office construction, interior or exterior design; entertainment services in the nature of an on-going reality-based television program; entertainment services, namely, providing a television program in the field of home improvement, decorating, painting and art via a global computer network; entertainment, namely, a continuing design, decorating and home or business remodeling show broadcast over television, satellite, audio, and video media; production and distribution of television shows and movies; production of cable television programs; production of closed-caption television programs; production of radio and television programs; television program syndication

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Applicant was aware that Opposer had created mark, did not consent to co-own mark, and opposed Applicant's ownership of the mark; Applicant asserted ownership as an "individual" and failed to acknowledge Opposer as a prior or co-owner.

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ENGLISH ACCENTS		
Goods/Services	#cable television programming, educational and entertainment services, namely a continuing program about interior and exterior design, construction, decorating, painting, and art accessible by radio, television, satellite, audio, video and computer networks, Cable television programming; educational and entertainment services, namely, a continuing program about interior and exterior design, construction, decorating, painting and art accessible by radio, television, satellite, audio, video and computer networks; entertainment in the nature of an on-going special variety, news, music or comedy show featuring English design, decorating and paint finishes broadcast over television, satellite, audio, and video media; entertainment in the nature of on-going television programs in the field of home improvement, construction, decoration, design, painting, faux finishing and art; entertainment in the nature of television programs featuring home improvement, design and decorating; entertainment, namely, production of television shows and series, DVDs, audio CDs, and videotapes featuring home decorating and remodeling, design, art, painting, faux finishes, home or office construction, interior or exterior design; entertainment services in the nature of an on-going reality-based television program; entertainment services, namely, providing a television program in the field of home improvement, decorating, painting and art via a global computer network; entertainment, namely a continuing design, decorating and home or business remodeling show broadcast over television, satellite, audio, and video media; production and distribution of television shows and movies; production of cable television programs; production of closed-caption television programs; production of radio and television programs; television program syndication#		

Attachments	Notice.of.Opp.ENGLISH.ACCENTS.05.02.08.pdf (8 pages)(87507 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Melissa M. Allen/
Name	Melissa M. Allen
Date	05/02/2008

**IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of: Federal Trademark Application by Sheilah C. Griggs
Serial Number: 77269747
Filed: August 31, 2007
Mark: ENGLISH ACCENTS
Published in the
Official Gazette: March 4, 2008

Robbie Calvo, an individual)	
)	
Plaintiff/Opposer,)	
)	Ser. No. 77269747
)	
v.)	Opposition No. _____
)	
Sheilah C. Griggs,)	
)	
Defendant/Applicant.)	

NOTICE OF OPPOSITION

Commissioner for Trademarks
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

Robbie Calvo, an individual, of 4004 Crestridge Drive, Nashville, TN 37204 (hereafter, "Opposer") is or will be damaged by the registration of the mark ENGLISH ACCENTS, which is set forth in application Serial No. 77269747 and filed by Sheilah C. Griggs (hereafter, "Applicant"), and thus hereby opposes the registration of said mark.

As grounds for the Opposition, Opposer Calvo, by and through counsel, avers as follows:

1. Opposer Robbie Calvo grew up in England and now lives in the U.S.A. Opposer Calvo is an interior designer who has cultivated a unique creative style over the years and who caters to wealthy and renowned clients. One of Opposer Calvo's specialties is faux finishing. Opposer Calvo has for many years been interested in developing his own television program and interior design brand based on his unique work, personality, and clientele.

2. Applicant Griggs and her business associate Lawrence Roy are in the television industry. On or about the Spring of 2007, Applicant Griggs and her business associate Roy and Opposer Calvo agreed to create a joint venture television pilot with Opposer Calvo as the featured talent and Applicant Griggs and her business associate Roy as the producers. The parties began production.

3. On or about the first of August of 2007, Opposer Calvo created the mark ENGLISH ACCENTS with the intention that it would be used in conjunction with a television series in which he was featured, as well as for additional and related goods and services which he intended to create, such as instructional books, prerecorded recordings, DVDs, and CDs, paint and paint brushes, textiles, and other related goods and services. Opposer Calvo created the mark as a reference to both his English heritage and literally

his “English accent” when he speaks, as well as to the interior design “accents” to the rooms he designs.

4. Opposer Calvo disclosed his mark ENGLISH ACCENTS to Applicant Griggs and her business associate Roy with the intention that it could possibly be used with the television pilot the parties were in the process of creating.

5. Over the course of the next few weeks, the parties engaged in various negotiations and discussions as to the terms of their relationship. To Opposer Calvo’s surprise, Applicant Griggs and her business associate Roy proposed that they, and not Opposer Calvo, should rightfully have sole ownership of the mark ENGLISH ACCENTS. Applicant Griggs and her business associate Roy even presented Opposer Calvo with a written contract in which Opposer Calvo would convey the mark to them.

6. Opposer Calvo repeatedly refused to convey or otherwise renounce his ownership in the mark. The issue became a sticking point in the negotiations and working relationship.

7. The parties ended their business relationship. The pilot was never completed.

8. Opposer Calvo began anew to attempt to secure a television pilot with new third party producers.

9. Opposer Calvo pursued his original plan of using the mark ENGLISH ACCENTS in conjunction with such a television series, and other related goods and series, given that he had created the mark, was English, had an accent, and created rooms with “accents”.

10. In September, 2007, Opposer Calvo went onto the USPTO website in order to himself seek registration of the mark ENGLISH ACCENTS, which he had created and in which he had never agreed to share ownership with Applicant Griggs or any other party.

11. Opposer Calvo then learned that Applicant Griggs had filed an application for Opposer Calvo’s identical mark ENGLISH ACCENTS, only days before, on August 31, 2007, without giving him notice or seeking his approval or consent.

12. Opposer Calvo also then learned that Applicant Griggs had filed said application seeking registration of the mark for the following services, which were identical services for which Opposer Calvo intended to seek registration:

“cable television programming, educational and entertainment services, namely a continuing program about interior and exterior design, construction, decorating, painting, and art accessible by radio, television, satellite, audio, video and computer networks, Cable television programming; educational and entertainment services, namely, a continuing program about interior and exterior design, construction, decorating, painting and art accessible by radio, television, satellite, audio, video and computer networks; entertainment in the nature of an on-going special variety, news, music or comedy show featuring English design, decorating and paint finishes broadcast over television, satellite, audio, and video media; entertainment in the nature of on-going television programs in the field of home improvement, construction, decoration, design, painting, faux finishing and art; entertainment in the nature of television programs featuring home improvement, design and decorating; entertainment, namely, production of television shows and series, DVDs, audio CDs, and videotapes featuring home decorating and remodeling, design, art, painting, faux finishes, home or office construction, interior or exterior design; entertainment services in the nature of an on-going reality-based television program; entertainment services, namely, providing a television program in the field of home

improvement, decorating, painting and art via a global computer network; entertainment, namely a continuing design, decorating and home or business remodeling show broadcast over television, satellite, audio, and video media; production and distribution of television shows and movies; production of cable television programs; production of closed-caption television programs; production of radio and television programs; television program syndication”

13. The identification of goods and services claimed by Applicant Griggs are directly and specifically identical to the goods and services provided by Opposer Calvo and for which Opposer Calvo intended and intends to seek registration of his own mark. The identification of goods and services even goes so far as to identify services unique to Opposer Calvo: “faux finishing” and “faux finishes”.

14. Applicant Griggs’ mark is identical to Opposer Calvo’s mark because Applicant Griggs’ mark “is” Opposer Calvo’s mark.

15. In completing the UPSTO application, Applicant Griggs intentionally elected not to select “joint venture” as the “owner” of the mark but instead intentionally selected that she solely as an “individual” was the owner of the mark. She intentionally omitted Opposer Calvo from any claim of ownership.

16. In a response to an Examiner’s Amendment to this Application of December 14, 2007, the Examiner notes that Applicant Griggs’ business associate Lawrence Roy responded and was “authorized” to respond on her behalf. This evidences that the Applicant and her business partner both knowingly and willfully seek to acquire

ownership of the mark, in spite of their actual knowledge of Opposer's claim to it and opposition to their claim to it.

17. In completing the USPTO application, Applicant Griggs was required to sign and agree to a "Declaration" which included that she believed herself to be "the owner of the trademark/service mark sought to be registered" that "to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive". In fact, Applicant Griggs had actual knowledge of Opposer Calvo's claim to ownership in the mark in its identical form for identical services and goods.

18. Applicant Griggs seeks to register her mark for the identical and substantially similar services and goods for which Opposer Calvo intends to use the same mark, and is thus likely to cause confusion, mistake, or to deceive consumers, under Section 2 (d) of the Act.

19. If Opposer Calvo files an application to rightfully register the mark ENGLISH ACCENTS which he created, for the goods and services for which he created the mark, he is or will be damaged by the registration of Applicant Griggs's ENGLISH ACCENTS mark, since the marks and goods and services will be identical and Opposer Calvo's mark will be treated as the later-filed mark and not be allowed to proceed to registration. In this

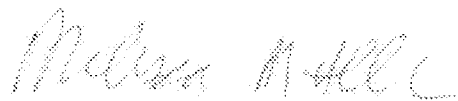
event, Applicant Griggs will be rewarded for intentionally and wrongfully assuming ownership of Opposer Calvo's mark and "jump-filing" with the USPTO.

20. At the time Applicant Griggs filed her Application, she had actual knowledge that Opposer Calvo had created the mark ENGLISH ACCENTS, that he intended to use it in conjunction with the very goods and services for which she now seeks registration, that he claimed ownership of the mark, and that he had vigorously and expressly opposed her claiming ownership in the mark.

WHEREFORE Opposer Calvo respectfully requests that the Trademark Trial and Appeal Board sustain this Opposition and refuse to register Applicant Griggs's ENGLISH ACCENTS mark.

Date: May 3, 2008.

Respectfully submitted,



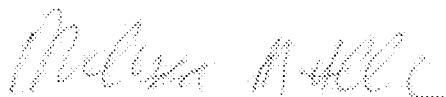
Melissa M. Allen
Attorney for Opposer/Plaintiff Robbie Calvo
3200 West End Avenue, Suite 500
Nashville, TN 37203
Tel. 615.783.2880
Fax: 615.783.1606

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of this Notice of Opposition has been filed with the Trademark Trial and Appeal Board electronically through its website and that a true and correct copy of this Notice of Opposition has been served on Applicant/Defendant by mailing via first class pre-paid U.S. Mail to:

Ms. Sheilah C. Griggs
c/o Point 3 Media, & Idiom Entertainment
1305 Clinton Street, Suite 300
Nashville, TN 37203

as of the 2 day of May, 2008

A handwritten signature in cursive script, appearing to read "Melissa M. Allen", written in dark ink.

Melissa M. Allen